Before the
FEDERAL COMMUNICATIONS COMMISSSION
Washington, DC

In the matter of:)
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In re: Delete, Delete, Delete) GN Docket No. 25-133
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SUBMISSION SUPPORTING MODIFICATION (DELETION of a portion) OF 47 CFR 74.1231(b) Purpose and permissable Service

Purpose: To allow FM translators that re-broadcast a non-commercial educational primary station to be fed by alternative signal delivery means regardless of whether the translator itself is located on the reserved or non-reserved FM bands.

74.1231(b) states:

"(b) An FM translator may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station or another translator station the signal of which is received directly through space, converted, and suitably amplified, and originating programming to the extent authorized in paragraphs (f), (g), and (h) of this section. However, an FM translator providing fill-in service may use any terrestrial facilities to receive the signal that is being rebroadcast. An FM booster station or a noncommercial educational FM translator station that is operating on a reserved educational channel (Channels 201-220) and is owned and operated by the licensee of the primary noncommercial station it rebroadcasts may use alternative signal delivery means, including, but not limited to, satellite and terrestrial microwave facilities. Provided, however, that an applicant for a noncommercial educational translator operating on a reserved channel (Channel 201-220) and owned and operated by the licensee of the primary noncommercial may use alternative signal delivery means, including, but not limited to, satellite and terrestrial microwave facilities. Provided, however, that an applicant for a noncommercial educational translator operating on a reserved channel (Channel 201-220) and owned and operated by the licensee of the primary noncommercial educational AM or FM station it rebroadcasts complies with either paragraph (b)(1) or (b)(2) of this section:"

Western Inspirational Broadcasters, Inc. (WIBI) operates KNIS(FM), Carson City, NV and eight (8) other full service FM stations, which are subsequently rebroadcast on 26 FM translator stations. Fourteen of the 26 translators are licensed on non-reserved frequencies (Channels 221 – 300), thus requiring that the signal being rebroadcast be received **"directly through space"** in accordance with 74.1231(b).

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[1] K208BR Eureka, NV; K208GF Thermopolis, WY; K209AU Portola, Etc. CA; K210BC Johnstonville, Etc. CA; K210EL Diamondville, WY; K211FG Battle Mountain, NV; K213BF Quincy, CA; K213EL Laramie, WY; K214EV Winnemucca NV; K214FA Hawthorne, Etc., NV; K219KZ Worland, WY; K220CO South Lake Tahoe, Etc., CA; K220DT Ely, Etc., NV; K226BN Lyman, WY; K232CT Gillette, WY; K236BN Cody, WY; K237FD Evanston, WY; K244DP Lander, WY; K245BH Cowley, Etc., WY; K246CZ Big Piney, LaBarge, WY; K257DP

Pinedale, WY; K257EO Sheridan, WY; K257CE Chester, Etc., CA; K266AO Lovelock, NV; K269DE Buffalo, WY; K269EG Rawlins, WY; K273BY Riverton, WY.

WIBI submits that a portion of Section 74.1231(b) **("directly through space")** is "outdated, unnecessary and unduly burdensome".

WIBI contends that this requirement which, by inference, has been applied to noncommercial educational stations operating FM Translators in the non- reserved band (Channels 221 – 300), is totally inconsistent with the allowance, in the same paragraph, of the use of *"alternative signal delivery means, including, but not limited to, satellite and terrestrial microwave facilities"* for noncommercial stations operating on reserved channels (Channels 201 – 220). It is also inconsistent with the provision that "*an FM translator providing fill-in service may use any terrestrial facilities to receive the signal that is being rebroadcast".*

The increased frequency congestion within the FM band has made the over-the-air reception requirement increasingly difficult to achieve, requiring additional capital investment in equipment for already financially challenged noncommercial broadcasters. WIBI contends that the rule referenced is outdated given current conditions of scarce frequencies and unprecedented potential for reception interference over the entire FM band.

Due to these challenges, WIBI and other educational licensees have experienced related issues requiring multiple translators to change terrestrial frequencies in order to receive a usable signal. Since programming and ownership of the translators is identical in both cases (reserved channels and non-reserved channels) why should one be limited to an over-the-air feed, while the other may utilize alternate means?

Furthermore, escalating rates for the vertical tower space required for the mounting of receive antennas has become particularly burdensome. Program delivery via the internet, AOIP, and other means has become much more reliable and cost effective over the past decade.

Allowing *'alternate signal delivery means'* for all FM translators will serve the public interest by improving the signal quality of translator transmissions, and will reduce otherwise unnecessary expensive frequency changes associated with conformance to the existing outdated and

burdensome regulation. Modification or deletion of the rule will serve to rectify these issues and better align FCC rules to current conditions.